

SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the matter of the Application of ORLY Genger, as a person interested, for the removal of DALIA Genger, as Trustee of the Orly Genger 1993 Trust pursuant to SCPA § 711(11).

File No.: 2008-0017

Surrogate Nora S. Anderson

**NOTICE OF MOTION TO DISMISS CROSS-PETITION**

PLEASE TAKE NOTICE, that upon the Affirmation of Michael Paul Bowen, dated September 8, 2017, and all exhibits attached thereto, the accompanying Memorandum of Law, and all prior pleadings and proceedings heretofore had herein, petitioner Orly Genger will move this court, sitting at 31 Chambers Street, New York, New York 10007, on October 3, 2017, or as soon thereafter as counsel can be heard, for an Order pursuant to SCPA § 102 and CPLR 3211(a)(1), (5) and (7) dismissing Dalia Genger's Cross-Petition.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering affidavits shall be served at least seven days before the return date of this motion, and reply affidavits shall be served at least one day before the return date of this motion.

Dated: New York, New York  
September 8, 2017

KASOWITZ BENSON TORRES LLP

By: \_\_\_\_\_

Eric D. Herschmann  
Michael Paul Bowen  
Andrew R. Kurland  
1633 Broadway  
New York, New York 10019  
(212) 506-1700

*Attorneys for Petitioner*

To:

Judith Bachman, Esq.  
254 S. Main Street  
Suite 306  
New City, NY 10956

*Counsel to Respondent/Cross-Petitioner Dalia Genger*

John Dellaportas, Esq.  
Kelley Drye & Warren LLP  
101 Park Avenue  
New York, NY 10017

*Counsel to Respondent Sagi Genger*

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**AFFIRMATION OF SERVICE**

I am an attorney admitted to practice before the Courts of the State of New York. On September 8, 2017, on behalf of petitioner Orly Genger, I served by U.S. First Class Mail, postage prepaid, a true and correct copy of Orly Genger's Notice of Motion to Dismiss the Cross-Petition of Dalia Genger, the Memorandum of Law in Support of Petitioner's Motion to Dismiss Dalia Genger's Cross-Petition, and the Affirmation of Michael Paul Bowen and exhibits thereto, dated September 8, 2017, on the parties to this action through their counsel, as follows:

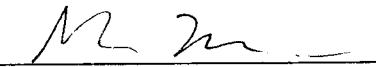
Counsel to Respondent/Cross-Petitioner Dalia Genger:

Judith Bachman, Esq.  
254 S. Main Street, Suite 306  
New City, New York 10956

Counsel to Respondent Sagi Genger:

John Dellaportas, Esq.  
Kelley, Drye & Warren, LLP  
101 Park Avenue  
New York, New York 10017

Dated: New York, New York  
September 8, 2017

  
Andrew R. Kurland

ONWARD

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the matter of the Application of ORLY GENGER, File No.: 2008-0017 [ ]  
as person interested, for the removal of DALIA  
GENGER, as Trustee of Orly Genger 1993 Trust Surrogate Nora S. Anderson  
pursuant to SCPA § 711(11),

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**NOTICE OF MOTION AND AFFIRMATION**

KASOWITZ BENSON TORRES LLP

1633 BROADWAY

NEW YORK, NEW YORK 10019

(212) 506-1700

ATTORNEYS FOR ORLY GENGER